IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.3502 OF 2005

Sargar Deshrath Rajaram. ...Petitioner.
Vs.
State of Maharashtra & Ors. ...Respondents.
....
Mr. S. B. Gholve for the Petitioner.
Mr. S. R. Nagolkar, AGP for Respondent Nos.1 and 4.
Mr. Subodh Sawant for Respondent Nos.2 and 3.
.....

CORAM : KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

April 21, 2006.

P.C. :

The Petitioner seeks to question a decision of 8th April 2005 of the Shikshan Sevak Grievance Redressal Committee and submits that the order of termination dated 26th March 2002 served upon him, be quashed and set aside. The Petitioner claims to belong to a Nomadic Tribe and according to him he is eligible for appointment as Shikshan Sevak to teach the subject of Physics since he holds the M.Sc. and B.Ed. qualification. According to the Petitioner, the Second Respondent issued an order of appointment on 1st September 2001. The services of the Petitioner came to be

terminated on 26th March 2002. The Petitioner was thereupon called for an interview on 15th June 2002. Once again no order of appointment was issued. On 8th May 2003 in pursuance of an advertisement, the Petitioner came to be interviewed and it is his case that he was allowed to work from 18th July 2003. Again, according to him his services were dispensed with from 4th August 2003. The Petitioner moved the Grievance Redressal Committee which dismissed his application. The Redressal Committee has noted that it is an admitted fact that the Petitioner was appointed during the Academic Year 2001-02. Under the terms of the relevant G.R. dared 13th October 2000, the initial appointment ought to have been made for the period of three years. Be that as it may, the Petitioner has averred in his Memo of Appeal that during the year 2002-03, he jointed a Junior College at Dombivli. Subsequently for the Academic Year 2003-04, the Petitioner was called for and was interviewed. The Petitioner did not produce any letter of appointment. According to the management, the Petitioner was called upon to conduct classes and an observation test was carried out when it was revealed that the Petitioner did not have a sufficient knowledge of English. The Grievance Committee has noted that hence, it could not be said that there was any final order

of appointment for the Academic Year 2003-04. Though the Petitioner had appeared for interview, a finding of fact was recorded by the Grievance Committee that there was no order finally selecting him for appointment. In these circumstances, the representation/appeal filed by the Petitioner came to be dismissed.

The facts therefore, showed that on the termination of his services during the course of Academic Year 2001-02, the Petitioner had joined another college and that he had in fact, sought re-appointment in pursuance of an advertisement that was issued during the year 2003. The Petitioner was not selected on merits and no order of appointment was issued to him. In these circumstances, the petition which was filed in May 2005 to challenge the initial order of termination of March 2002 would not warrant grant of relief particularly in the light of the fact that the Petitioner had subsequently appeared in the selection process and failed to get selected. We do not therefore, find any justification for exercising our extraordinary jurisdiction under Article 226 of the Constitution. The petition shall stand dismissed.

CHIEF JUSTICE

Dr.D. Y. Chandrachud, J.